

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18 and 20-31 are pending in this case. Claims 1-18 and 20-31 are amended by the present amendment and add no new matter. For example, amended Claims 1-18 and 20-31 are supported by the specification at page 2, lines 6-16.

In the outstanding Office Action, Claims 13 and 14 were rejected under 35 U.S.C. §102(b) as anticipated by Zamat (U.S. Patent No. 6,321,068). Claims 1-5, 7-9, 11, 12, 18, 20-24, 26-28, 30, and 31 were rejected under 35 U.S.C. §103(a) as unpatentable over Wellard et al. (U.S. Patent No. 5,862,477, hereinafter “Wellard”) in view of Zamat. Claims 6 and 25 were rejected under 35 U.S.C. §103(a) as unpatentable over Wellard in view of Zamat and further in view of Pelech et al. (U.S. Patent No. 6,243,585, hereinafter “Pelech”). Claims 10 and 29 were rejected under 35 U.S.C. §103(a) as unpatentable over Wellard in view of Zamat and further in view of Jennings, III (U.S. Patent No. 6,173,191, hereinafter “Jennings”). Claims 15-17 were rejected under 35 U.S.C. §103(a) as unpatentable over Zamat in view of Feng (U.S. Patent No. 5,374,936).

With regard to the rejection of Claims 13 and 14 under 35 U.S.C. §102(e) as anticipated by Zamat, that rejection is respectfully traversed.

Amended Claim 13 recites that the network device is for a wireless network in which the network devices comprise mobile network devices which can have direct communication in-between each other. Thus, the invention recited in Claim 13 relates to wireless networks with direct mode traffic in which a network device has connectivity with all other network devices in the network.

Zamat describes a mobile communication device that determines transmitted signal power. Zamat further describes further that mobile communication devices must report to the

base stations on the strength of the signals they receive from the base stations. However, Zamat does not disclose a network device for a wireless network having direct mode traffic, i.e. in which the network devices can have direct communication in-between each other. Therefore, the network device of Zamat does not broadcast a calibration signal to the other network devices.

Moreover, in Zamat a calibration signal is not transmitted in the normal operation mode. As it is described in column 8, lines 22 to 24 and line 65 of Zamat and can be seen from Figure 6 of Zamat, the calibration mode is performed before delivery of the communication device and *not* in the normal mode which starts after the calibration mode. Further, in Zamat the measuring of the power level of the received calibration signal is measured by calibrated test equipment at the communication device. Additionally, Zamat does not describe wireless transmission of measurement results to other network devices. This is not necessary in the network described by Zamat, because the creation of a topology map is not described in Zamat.

Thus, since Zamat does not refer to a wireless network with direct mode traffic, does not disclose the creation of a topology map indicating the quality of connectivity of each network device, does not disclose that the network device transmits a calibration signal to the other network devices and does not show that the results of the measurement of the power level of the received calibration signal is sent to the other network devices, the subject matter of Claim 13 (and Claim 14 dependent therefrom) is not anticipated by Zamat, and is patentable thereover.

With regard to the rejection of Claims 15-17 as unpatentable over Zamat in view of Feng, it is noted that Claims 15-17 are dependent from Claim 13, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 13. Further, it is respectfully submitted that Feng does not cure any of the above-noted deficiencies of Zamat.

Accordingly, it is respectfully submitted that Claims 15-17 are patentable over Zamat in view of Feng.

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Wellard in view of Zamat, that rejection is respectfully traversed.

Amended Claim 1 relates to a calibration procedure for wireless networks with direct mode traffic even between the mobile terminals by including in the opening portion that the network devices can have direct communication in-between each other.

Wellard discloses a personal communication services system in which cordless fixed parts are provided which are connected to a central control unit by wire and in which mobile terminals are provided. Wellard does not disclose a method to create a topology map indicating the quality of connectivity of each network device of a wireless network with all other network devices, because the received signal quality is only measured in the cordless fixed parts which correspond to a base station in a wireless network. The received signal quality is *not* measured in the mobile terminals forming the network devices of the wireless network. As mentioned above and as can be seen from Figures 1 and 3 of Wellard, the system of Wellard does not provide a direct communication between the mobile terminals, and therefore it is not necessary to create a topology map including these network devices. As described in column 3, lines 31 to 33 of Wellard, the system of Wellard is automatically disabled if changes of the topology are detected. However, in a wireless network according to the invention recited in Claim 1, which also includes mobile terminals, the topology changes all the time so that the method of creating a topology in the system of Wellard which only includes the cordless fixed parts is completely different from the method according to claim 1.

Since the mobile terminals are not included in the method disclosed in Wellard and since direct mode traffic is not mentioned, Wellard does not teach or suggest creation of a

topology map indicating the quality of connectivity of each network device of a wireless network with all other network devices. Further, Wellard does not teach or suggest transmission of the measurement results wirelessly to the network device creating said topology map. Zamat discloses the transmission of the measurement result to a base station, but only the measurement result from a single network device, whereas in the invention recited in Claim 1 the measurement results are the results of the measurement of the calibration signals from *all* network devices as shown in Figure 2 of the present application, where in steps 56 and 57 of Figure 2 of the present application the measurement results of the calibration signals coming from all other network devices are reported.

Thus, since neither Wellard nor Zamat disclose a wireless network with direct mode traffic between mobile terminals, and since none of these documents provides any suggestion that each network device broadcasts a calibration signal to the other network devices and that all respective other network devices measure the received signal quality, the subject matter of amended Claim 1 (and Claims 2-12 dependent therefrom) is patentable over Wellard in view of Zamat.

Independent amended Claims 18, 20, and 31 recite similar elements to Claim 1. Accordingly, Claims 18, 20, and 31 (and Claims 21-30 dependent therefrom) are patentable over Wellard in view of Zamat for at least the reasons described above with respect to Claim 1.

With regard to the rejection of Claims 6 and 25 as unpatentable over Wellard in view of Zamat and further in view of Pelech, it is noted that Claims 6 and 25 are dependent from Claims 1 and 20, respectively, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, it is respectfully submitted that Pelech does not cure any of the above-noted deficiencies of Wellard and Zamat. Specifically, Pelech discloses that the updating of the routing tables should be handled deftly and in a timely

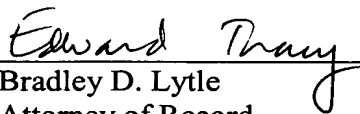
manner so that there is little or no interruption. This is different from the subject matter of Claims 6 and 25 because, as described for example on page 9, lines 29 to 31 of the present specification, the calibration has low priority and that it is carried out e.g. after 100 ms and when free resources are available. Accordingly, it is respectfully submitted that Claims 6 and 25 are patentable over Wellard in view of Zamat and further in view of Pelech.

With regard to the rejection of Claims 10 and 29 as unpatentable over Wellard in view of Zamat and further in view of Jennings, it is noted that Claims 10 and 29 are dependent from Claims 1 and 20, respectively, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, it is respectfully submitted that Jennings does not cure any of the above-noted deficiencies of Wellard and Zamat. Accordingly, it is respectfully submitted that Claims 10 and 29 are patentable over Wellard in view of Zamat and further in view of Jennings.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Edward Tracy
Registration No. 47,998